

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 4:19-CR-193-AGF |
| |) | |
| JEFFREY DALE EISENBATH, |) | |
| |) | |
| Defendant. |) | |

JOINT STATEMENT OF THE PARTIES

COMES NOW, the United States of America, by and through Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Kyle T. Bateman, Assistant United States Attorney for said District, and Felicia Jones for the defendant, and submits this joint statement regarding the parties agreement regarding the defendant's rights with respect to sentencing issues as part of his Guilty Plea Agreement.

On February 22, 2021, the defendant pled guilty to two counts of production of child pornography, one count of receipt of child pornography, and one count of possession of child pornography. During the defendant's plea hearing, the parties orally moved to modify the language in Paragraph 7(a)(2) (Sentencing Issues) of the defendant's signed Guilty Plea Agreement, and the Court accepted the changes on the record.

The agreed modified terms of that section read as follows:

(2) **Sentencing Issues:** In the event the Court accepts the plea, and, after determining a Sentencing Guidelines range, sentences the defendant within or below a Total Offense Level of 35, then, as part of this agreement, the defendant hereby waives all rights to appeal all sentencing issues other than Criminal History, but only if it affects the Base Offense Level or Criminal History

Category. Similarly, the Government hereby waives all rights to appeal all sentencing issues other than Criminal History, provided the Court accepts the plea, the agreed Total Offense Level and sentences the defendant within or above a Total Offense Level of 35.

WHEREAS, the parties jointly move that this language be adopted by the Court as part of the defendant's Guilty Plea Agreement.

Respectfully submitted,

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